

STEVEN H. GURNEE, ESQ. SB# 66056
DAVID M. DANIELS, ESQ. SB# 170315
NICHOLAS P. FORESTIERE, ESQ. SB# 125118
GURNEE & DANIELS LLP
2240 Douglas Boulevard, Suite 150
Roseville, CA 95661-3805
Telephone (916) 797-3100
Facsimile (916) 797-3131

Attorneys for Defendants
ALDERWOODS GROUP, INC.,
SERVICE CORPORATION INTERNATIONAL,
SCI FUNERAL AND CEMETERY PURCHASING COOPERATIVE, INC.,
SCI EASTERN MARKET SUPPORT CENTER, L.P.
SCI WESTERN MARKET SUPPORT CENTER, L.P.
a/k/a SCI WESTERN MARKET SUPPORT CENTER, INC.,
SCI HOUSTON MARKET SUPPORT CENTER, L.P.,
THOMAS RYAN, PAUL A. HOUSTON, JANE JONES,
CURTIS BRIGGS, AND GWEN PETTEWAY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CLAUDE BRYANT, CRAIG FULCHER,	)	No. 3:07-CV-5696-SI (" <i>Bryant I</i> ")
SANFORD LEVINE and THOMAS)	
THOMPSON et al., on behalf of themselves	)	Including The Related Cases of:
and all other employees similarly situated,)	
	)	<i>Helm et al v. Alderwoods Group, Inc. et al.</i>
Plaintiffs,	)	Case No. 3:08-cv-01184-SI
vs.)	
	)	And
ALDERWOODS GROUP, INC., PAUL A.)	
HOUSTON, SERVICE CORPORATION	)	<i>Bryant et al v. Service Corporation</i>
INTERNATIONAL, SCI FUNERAL AND	)	<i>International et al.</i> Case No. 3:08-cv-01190-SI
CEMETERY PURCHASING)	
COOPERATIVE, INC., SCI EASTERN	)	ORDER ON PLAINTIFFS'
MARKET SUPPORT CENTER, L.P. SCI	)	ADMINISTRATIVE MOTIONS AND
WESTERN MARKET SUPPORT CENTER,	)	SCHEDULING ORDER
L.P. a/k/a SCI WESTERN MARKET)	
SUPPORT CENTER, INC., SCI HOUSTON	)	Date: April 3, 2008
MARKET SUPPORT CENTER, L.P., and	)	Time: 11:00 a.m.
JOHN DOES 1-3, et al.	)	Dept: 10
)	
Defendants.)	

1 On the date, time and department set forth above, Plaintiffs' Administrative Motions¹ for
2 an Extension of Time to File a Response\Reply to Defendants' currently pending motions,
3 including Motions to Dismiss, Strike, Request a More Definite Statement, and/or for Attorneys'
4 Fees and Stay² in this case, *Bryant et al v. Alderwoods*, Case No. 07-5695 SI ("*Bryant I*"), and in
5 the related cases of *Helm et al v. Alderwoods Group, Inc. et al.* Case No. 08-01184-SI ("*Helm*")
6 and *Bryant et al v. Service Corporation International et al.* Case No. 08-01190-SI ("*Bryant II*"),
7 came on for a telephonic hearing before the Honorable Susan Illston. Defendants filed oppositions
8 to plaintiffs' Administrative Motions.³ Annette Gifford and Sanford Rosen appeared on behalf of
9 all the plaintiffs. Nick Forestiere and John Mason appeared on behalf of all of the defendants.

10 After consideration of the briefs and arguments of counsel, agreement of the parties as to
11 the transfer of *Bryant I*, and all other matters presented to this Court:

12 IT IS HEREBY ORDERED as follows:

13 1. All of the plaintiffs' Administrative Motions in the three related cases *Bryant I*,
14 *Bryant II* and *Helm* (*Bryant I* Docket No. 60; *Bryant II* Docket No. 36; *Helm* Docket Nos. 45 and
15 53.) are hereby terminated.

16 2. Defendants hereby withdraw without prejudice all of their pending motions in the
17 three related cases of *Bryant I*, *Bryant II* and *Helm* (*Bryant I* Docket Nos. 43 and 47; *Bryant II*
18 Docket Nos. 29, 30 and 31; *Helm* Docket Nos. 40, 41,42 and 50), subject to those motions being
19 re-filed as set forth herein below. The April 25, 2008 and May 9, 2008 hearing dates for those
20 motions are hereby vacated. Plaintiffs shall not attempt to take the defaults of any of the
21 Defendants in *Bryant I*, *Bryant II* or *Helm* as a result of the withdrawals of those motions.

22 3. As to *Bryant I*, the case is ordered to be transferred to the U.S. District Court for the
23 Western District of Pennsylvania effective June 20, 2008. The transfer is made pursuant to the
24 stipulation of the parties, and the Court finds that it is in the interests of justice and judicial
25 economy. The Court further finds that the *Bryant I* case is related to the action pending before
26 Judge Joy Flowers Conti in the U.S. District Court for the Western District of Pennsylvania
27 captioned *Prise, et al. v. Alderwoods Group, Inc. and Service Corporation International*, W.D. Pa.

28 ¹ *Bryant I* Docket No. 60; *Bryant II* Docket No. 36; and *Helm* Docket Nos. 45 and 53.

² *Bryant I* Docket Nos. 43 and 47; *Bryant II* Docket Nos. 29, 30 and 31; and *Helm* Docket Nos. 40, 41,42 and 50.

³ *Helm* Docket Nos. 48 and 56; *Bryant II* Docket 39.

1 Case No. 06-1641 ("*Prise F*"), and that *Bryant I* should be assigned to Judge Conti's courtroom for
2 further proceedings. Defendants shall be allowed to move, plead or otherwise respond to the
3 amended complaint within 30 days from the date that the case has been docketed in the court for
4 the Western District of Pennsylvania and assigned a case number. The transfer is without waiver
5 of any of Defendants' objections, arguments, or requests for relief, including those in Defendants'
6 previously filed motions that would still be valid after the case is transferred, except for any venue,
7 forum, or jurisdictional objection that arises solely because of the transfer.

8 4. As to *Bryant II and Helm*, the court will proceed with the plaintiffs' motions for
9 remand (*Helm* Docket No. 43; *Bryant II* Docket No. 34) that are presently set for hearing on May
10 9, 2008. The parties will file their briefs regarding those motions as required by this court's local
11 rules.

12 5. A Case Management Conference for the related cases is presently set for 2:00 p.m.
13 on June 20, 2008 in Department 10. The parties are required to file a joint case management
14 conference statement on or before June 13, 2008. The court will review the status and disposition
15 of the related cases at that time. Should the court deny the motions for remand in *Helm* and/or
16 *Bryant II*, then the parties shall meet and confer to discuss whether they should be transferred to
17 another district. If the parties cannot reach agreement regarding their transfer, then the parties
18 seeking a transfer shall file a motion to transfer that will heard at 9:00 a.m. on June 20, 2008.
19 Should either *Helm* and/or *Bryant II* not be remanded or transferred to another district, then the
20 court will then a set a date for the Defendants to move, plead or otherwise respond to the amended
21 complaints in those actions.

22 IT IS SO ORDERED.

23 Dated: _____



United States District Court Judge

24 Approved as to Form:

25 ROSEN BIEN & GALVAN, LLP

26 /s/ Sanford Jay Rosen

27 By: Sanford Jay Rosen
28 Attorneys For Plaintiffs

////

1 Dolin, Thomas & Solomon LLP

2
3 /s/ Annette Gifford

4 By: Annette Gifford
Attorneys For Plaintiffs